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Attorneys for Plaintiff  
ACACIA MEDIA TECHNOLOGIES CORPORATION

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

In re	)	Case No. 05 CV 01114 JW
	)	
ACACIA MEDIA TECHNOLOGIES	)	<b>DECLARATION OF ALAN P.</b>
CORPORATION	)	<b>BLOCK IN SUPPORT OF</b>
	)	<b>PLAINTIFF ACACIA MEDIA</b>
	)	<b>TECHNOLOGIES</b>
	)	<b>CORPORATION'S OPPOSITION</b>
	)	<b>TO DEFENDANTS' "SO-CALLED"</b>
	)	<b>MOTION TO SET BRIEFING</b>
	)	<b>SCHEDULE FOR MOTION FOR</b>
	)	<b>RECONSIDERATION</b>
	)	
	)	Date: None Set by Moving Parties
	)	Time: None Set by Moving Parties
	)	Ctrm: Hon. James Ware

1 I, Alan P. Block, hereby declare as follows:

2 1. I am a member of the law firm of Hennigan, Bennett & Dorman LLP,  
3 counsel of record for plaintiff Acacia Media Technologies Corporation in this case. I  
4 have personal knowledge of the facts stated herein and, if called as a witness, I could  
5 and would testify competently thereto.

6 2. Immediately following the June 14, 2005 case management conference,  
7 Acacia's counsel prepared a proposal to defendants for a briefing schedule and e-  
8 mailed the proposal to defendants' counsel. Acacia understood that at the case  
9 management conference, the Court wanted the parties to stipulate to a schedule and  
10 for that reason the parties wanted to agree to a schedule as soon as possible. Acacia's  
11 counsel therefore prepared this proposal from a restaurant in San Jose following the  
12 case management conference. A true and correct copy of Acacia's June 14 proposal  
13 is attached hereto as Exhibit A.

14 3. Counsel for the parties agreed to discuss Acacia's proposed schedule on  
15 a teleconference on the afternoon of June 15, 2005. During the conference call on  
16 June 15, 2005, defendants' counsel made counter-proposals to Acacia's schedule,  
17 regarding the briefing dates. Acacia's counsel agreed to incorporate some of  
18 defendants' proposals and to add some additional proposals, such as setting a time  
19 limit for expert depositions. Defendants' counsel wanted to further consider Acacia's  
20 proposal.

21 4. On June 16, 2005, Acacia's counsel circulated by e-mail a draft  
22 stipulation for defendants' counsel to review. A true and correct copy of the e-mail  
23 and the attached proposed stipulation is attached hereto as Exhibit C.

24 5. Contrary to defendants' assertions in their motion, it was clear from my  
25 June 16, 2005 e-mail that the draft stipulation was not yet an agreement until  
26 defendants' counsel provided their approval: "It [the draft stipulation] incorporates  
27 the terms we discussed yesterday, however, I understand that defendants may still  
28 have some proposed changes for our consideration. Please provide us with your

1 comments, or, if you approve of the stipulation, please provide a responsive e-mail  
2 providing me with authorization to sign on your behalf.”

3 6. No defendant has ever provided their approval of the stipulation  
4 proposed by Acacia. Therefore, the parties have no agreement on a briefing schedule.

5 7. Defendants’ conduct demonstrates that they did not regard the terms of  
6 the draft stipulation as being agreed to. In the draft stipulation, each defendant was  
7 supposed to provide Acacia with its statement of issues to be reconsidered by July 6,  
8 2005. No defendant provided Acacia with that information by that date. In fact, no  
9 defendant has yet provided Acacia with an identification of any of the issues that it  
10 wants to have reconsidered.

11 8. It was not until twenty days after Acacia sent defendants’ counsel its  
12 revised, proposed stipulation that any defendant even communicated with Acacia  
13 regarding the draft stipulation. On July 6, 2005, counsel for Comcast, Mr. David  
14 Silbert, called me to ask if the dates for exchanging opening briefs and opposition  
15 briefs, which were set forth in the draft stipulation, could be extended by one week. I  
16 refused Mr. Silbert’s request and told him that we believed that the Court’s schedule  
17 superseded the draft stipulation that had been proposed. I confirmed this conversation  
18 in a letter of July 7, 2005 to Mr. Silbert (with copies to all counsel), a true and correct  
19 copy of which is attached hereto as Exhibit D.

20 9. During the July 6 telephone call with Mr. Silbert, I informed Mr. Silbert  
21 that nothing in the Court’s Order prevents the parties from including their legal  
22 arguments in their disclosures pursuant to the Patent Local Rules according to the  
23 schedule set by the Court and informed Mr. Silbert that Acacia intends to do so. I  
24 reiterated this in my July 7, 2005 letter to Mr. Silbert.

25 10. During my July 6 telephone call with Mr. Silbert, I asked when  
26 defendants would be providing their list of terms to be reconsidered. Mr. Silbert  
27 stated that defendants had still not decided what terms any defendant would seek  
28 reconsideration of and stated that he thought that defendants might provide Acacia

1 with their list by July 13. I stated that, if Acacia was to comply with Patent Local  
2 Rule 4-2 by July 29, which requires the parties to address all of the claim terms to be  
3 construed, we would need to receive defendants' list soon.

4 11. In the meantime, while defendants were not communicating with Acacia  
5 regarding the draft stipulation that Acacia had provided, the Court issued its June 21  
6 Order setting forth the schedule for the Motion for Reconsideration. A true and  
7 correct copy of the Court's June 21, 2005 Order is attached hereto as Exhibit E.

8 12. This is not the first motion that defendants have brought regarding the  
9 June 21 Order. On June 24, defendants moved for clarification of the June 21 Order  
10 regarding whether additional terms from the '992 and '702 patents would be included  
11 at the September 8 and 9 hearing. Defendants never raised the issue of a briefing  
12 schedule when they brought this motion for clarification. The Court issued its Order  
13 clarifying the June 21 Order on June 27.

14 13. Although not required by any agreement with defendants, Acacia  
15 provided defendants with its list of terms on which Acacia seeks reconsideration on  
16 June 20. On June 29, Acacia provided each defendant with Acacia's infringement  
17 contention information required by Patent Local Rule 3-1 for the '992 and '702  
18 patents.

19 I declare under the penalty of perjury under the laws of the United States of  
20 America that the foregoing is true and correct.

21 Executed this 12th day of July, 2005, at Los Angeles, California.

22  
23 \_\_\_\_\_  
24 /s/  
25 Alan P. Block  
26  
27  
28

# Exhibit A

HENNIGAN, BENNETT & DORMAN LLP

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June 14, 2005

**VIA ELECTRONIC MAIL**

To All Defense Counsel

**Re: In re Acacia Media Technologies Corp. 05-CV-01114 JW (HRL)**

Dear Counsel:

Below is the schedule we propose. The expert testimony Acacia intends to present at the evidentiary hearing will be limited to Messrs. Weiss and Alexander. We ask and propose that the defendants collectively present no more than two experts—one provided by the Adult Entertainment defendants, and one provided by the cable/satellite defendants.

**By June 29:** Acacia to serve all defendants with infringement contention information required by N.D. Cal. Patent Local Rule 3-1 for the '992 and '702 patents.

**By June 29:** Acacia to serve on all parties and the Court its statement of issues to be reconsidered. The statement shall: (1) identify each issue (claim term construction, evidentiary issue, etc.); (2) state proposed term construction to be adopted; and (3) state the reason why reconsideration is required. (This document shall not be the legal briefing of the issues.)

**By July 13:** Each defendant to serve on all parties and the Court its statement of issues to be reconsidered. The statement shall: (1) identify each issue (claim term construction, evidentiary issue, etc.); (2) state proposed term construction to be adopted; and (3) state the reason why reconsideration is required. (This document shall not be the legal briefing of the issues.) Defendants, where possible, are encouraged to prepare and file joint/consolidated briefs.

**By July 18:** Acacia to file and serve its opening brief supporting application of reconsideration of its listed issues to be reconsidered. With this brief, Acacia shall file

All Defense Counsel  
June 14, 2005  
Page 2

expert declarations setting forth the nature and scope of the expert testimony to be presented at the hearing on September 8 and 9.

**By July 18:** Defendants to file and serve their opening brief supporting application for reconsideration of their listed issues to be reconsidered. With this brief defendants shall file joint expert declarations setting forth the nature and scope of the expert testimony to be presented at the hearing on September 8 and 9.

**By August 1:** Acacia and the defendants file and serve their opposition brief to the adverse party's opening brief. To the extent expert testimony will be used to rebut the testimony of any expert declaration provided with an opening brief by an adverse party, expert declarations shall set forth the nature and scope of the intended rebuttal testimony to be presented at the hearing on September 8 and 9.

**By August 15:** Acacia and the defendants shall file and serve any reply briefs to the opposition briefs filed by an adverse party. To the extent expert testimony will be used to rebut any expert testimony provided by an adverse party with an opposition brief, expert declarations shall set forth the nature and scope of each intended rebuttal testimony to be presented at the hearing on September 8 and 9.

**August 15-31:** Expert depositions

**September 8:** Hearing on motion for reconsideration and evidentiary hearing.

The Clerk of the Court with whom we should address all scheduling issues is Melissa Peralta at 408 535 5377.

Very truly yours,

*Dictated but not read*

Roderick G. Dorman

RGD:ls

# Exhibit B



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

DATE: JUNE 13, 2005

Case No. C-05-01114-JW JUDGE: JAMES WARE

IN RE ACACIA MEDIA TECH. -v- \_\_\_\_\_

Title

APPEARED \_\_\_\_\_

APPEARED \_\_\_\_\_

Attorneys Present \_\_\_\_\_

Present \_\_\_\_\_

Deputy Clerk: RONALD L. DAVIS

COURT REPORTER: not reported

PROCEEDINGS

Case Management Conference - held.

EXPERT DISCLOSURE: \_\_\_\_\_ DISCOVERY CLOSE (ALL) \_\_\_\_\_

CASE CONTINUED TO: \_\_\_\_\_ for FINAL P/T Conference

CASE CONTINUED TO: \_\_\_\_\_ for Trial

CASE CONTINUED TO: \_\_\_\_\_ PRELIMINARY PRETRIAL CONFERENCE

CASE CONTINUED TO: \_\_\_\_\_ for PRETRIAL MOTIONS

CASE CONTINUED TO: \_\_\_\_\_ DISMISSAL CALENDAR

ORDER AFTER HEARING

Plaintiffs orally withdrew their Class Certification motion. Court set a hearing date of 09/08/05 - 09/09/05 (9-am - 4pm) for the Motion for Reconsideration of the July 2004 Claim Construction Order. Plaintiffs shall submit their list re: Reconsideration motion within 5 days of this conference date. A Joint statement is due no later than 8/25/05. Plaintiffs shall submit a case flow chart no later than 08/25/05. This matter is referred to Magistrate Judge Howard R. Lloyd for all discovery issues.

# Exhibit C

## Alan Block

---

**From:** Alan Block  
**Sent:** Thursday, June 16, 2005 5:32 PM  
**To:** 'Todd Miller (miller@fr.com)'; 'Jonathan Singer'; 'brooks@fr.com'; 'Victor Degyarfas (vdegyarfas@foleylaw.com)'; 'James Slominski (jslominski@hh.com)'; 'Mark Schneider (mschneider@patlaw.com)'; 'David A. York (DAVID.YORK@LW.com)'; 'Marsha E Mullin'; 'vgsavikas@jonesday.com'; 'Krevans, Rachel'; 'Crotty, Jason A.'; 'djs@kvn.com'; 'Annamarie A. Daley'; 'Stephen P. Safranski (safrsp@rkmc.com)'; 'blyerla@marshallip.com'; 'jdean@marshallip.com'; 'Kevin Hogg'; 'rbortolotti@merchant-gould.com'; 'Mitchell D. Lukin (mitch.lukin@bakerbotts.com)'; 'Jeffrey Sullivan (jeffrey.sullivan@bakerbotts.com)'; 'pwhalen@spencerfane.com'; 'sgarrison@lrlaw.com'; 'MKittredge@perkinscoie.com'; 'cfagan@faysharpe.com'; 'djd@kvn.com'; 'dej@kvn.com'; 'mxk@kvn.com'; 'dfingerman@mount.com'; 'abismonte@mount.com'; 'fbyers@accesstoledo.com'  
**Cc:** Roderick G. Dorman  
**Subject:** 05-CV-01114 JW (HRL) -- In re Acacia -- Draft Stipulation

Dear Counsel --

Attached is a draft of a stipulation regarding the briefing and deposition schedule for the Motion for Reconsideration of the July 12, 2004 Claim Construction Order. It incorporates the terms we discussed yesterday, however, I understand that defendants may still have some proposed changes for our consideration. Please provide us with your comments, or, if you approve of the stipulation, please provide a responsive e-mail providing me with authorization to sign on your behalf. Also, please confirm that our information for each counsel in the signature blocks is correct, or, if not, please provide us with the corrections.

Thank you for your assistance and cooperation. I look forward to hearing from you.

Regards,  
Alan Block



HBDDOCS-#488903  
-v1-Stipulation...

1 COUNSEL LISTED ON SIGNATURE PAGES  
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7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 In re

13 ACACIA MEDIA TECHNOLOGIES  
14 CORPORATION  
15  
16  
17

Case No. 05 CV 01114 JW (HRL)  
MDL No. 1665

STIPULATION AND [PROPOSED]  
ORDER SETTING FORTH BRIEFING  
AND DEPOSITION SCHEDULE FOR  
MOTION FOR RECONSIDERATION OF  
THE JULY 12, 2004 CLAIM  
CONSTRUCTION ORDER

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STIPULATION AND [PROPOSED] ORDER  
RE BRIEFING AND DEPOSITION SCHEDULE  
05 CV 01114 JW (HRL)

Exhibit C

Page 8

1 WHEREAS, on June 14, 2005, counsel for the parties to these actions appeared before the  
2 Court;

3 WHEREAS, at the June 14, 2005 conference, the Court scheduled an evidentiary hearing  
4 regarding a Motion for Reconsideration of the July 12, 2004 Claim Construction Order to occur  
5 on September 8 and 9, 2005;

6 WHEREAS the Court ordered counsel for the parties to meet and confer to agree upon a  
7 schedule for the briefing and expert depositions relating to the Motion for Reconsideration;

8 NOW, therefore, it is hereby stipulated by and between the parties hereto, through their  
9 respective counsel of record, as follows:

10 1. By June 21, 2005, Acacia shall serve on all parties and the Court its statement of  
11 issues to be reconsidered. The statement shall: (1) identify each issue (claim term construction,  
12 evidentiary issue, etc.); (2) state the proposed construction or modification to the Order to be  
13 adopted; and (3) state the reason why reconsideration is required. (This document shall not be the  
14 legal briefing of the issues.)

15 2. By June 29, 2005: Acacia shall serve all defendants with infringement contention  
16 information required by N.D. Cal. Patent Local Rule 3-1 for the '992 and '702 patents.

17 3. By July 6, 2005: Each defendant shall serve on all parties and the Court its  
18 statement of issues to be reconsidered. The statement shall: (1) identify each issue (claim term  
19 construction, evidentiary issue, etc.); (2) state proposed construction or modification to the Order  
20 to be adopted; and (3) state the reason why reconsideration is required. (This document shall not  
21 be the legal briefing of the issues.)

22 4. By July 11, 2005: Acacia shall file and serve its opening brief supporting  
23 application of reconsideration of its listed issues to be reconsidered. With this brief, Acacia shall  
24 file expert declarations setting forth the nature and scope of the expert testimony to be presented  
25 at the hearing on September 8 and 9.

26 5. By July 11, 2005: Defendants shall file and serve their opening brief supporting  
27 application for reconsideration of their listed issues to be reconsidered. With this brief,  
28

1 defendants shall file expert declarations setting forth the nature and scope of the expert testimony  
2 to be presented at the hearing on September 8 and 9.

3 6. By August 15, 2005: Acacia and the defendants shall file and serve their  
4 opposition brief(s) to the adverse party's opening brief(s). To the extent expert testimony will be  
5 used to rebut the testimony of any expert declaration provided with an opening brief by an  
6 adverse party, expert declarations shall set forth the nature and scope of the intended rebuttal  
7 testimony to be presented at the hearing on September 8 and 9.

8 7. By August 31, 2005: Parties may depose any expert designated by any party on or  
9 before August 31, 2005 with the dates, times, and places for the depositions to be mutually-  
10 agreed upon by the parties. No deposition shall exceed seven (7) hours without leave of Court.

11 8. By September 23, 2005: Acacia and the defendants shall file and serve post-  
12 hearing reply briefs, which may address arguments and evidence presented in the adverse parties'  
13 opposition brief and/or and additional argument or evidence presented at the evidentiary hearing  
14 on September 8 and 9. No additional expert testimony that was not already presented in any of  
15 the briefing or at the hearing shall be permitted with the post-hearing brief.

16 9. Defendants agree, to the extent practical and reasonable, to file joint briefs and to  
17 use shared experts.

18 IT IS SO STIPULATED.

19 Dated: June , 2005

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25 C. Mark Kittredge

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28 DATED: June \_\_\_\_, 2005

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DATED: June \_\_\_\_, 2005

By \_\_\_\_\_  
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AND COMMUNICATIONS LLC; MASSILLON  
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
JAMES WARE  
UNITED STATES DISTRICT JUDGE

# Exhibit D

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July 7, 2005

David J. Silbert  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94111

**Re: In re Acacia Media Technologies Corporation**

Dear David:

This letter shall confirm the substance of your telephone call to me of yesterday afternoon. You had called to inform me that the defendants were collectively going to propose modified dates for a briefing schedule for the Motion for Reconsideration of the Markman Order regarding claim terms already construed. Specifically, you were going to be sending me a revised proposed stipulation indicating that defendants would be supplying Acacia with the claim terms on which defendants would seek reconsideration by July 13 and that the parties would exchange opening briefs by July 18.

Your telephone call to me was more than disappointing. All counsel knew that, if we were to provide to the Court a proposed stipulation, we needed to conclude such a stipulation immediately after the Court's June 14 status conference which we all attended. That is why we first met in person immediately after the conference in court, and then concluded we would review a draft proposal Acacia's counsel would immediately prepare and confer about it the following day. Rod Dorman and I prepared that draft immediately after the June 14 conference, and we sent the draft to all counsel that evening. All counsel then discussed the draft during a conference call on June 15. In accordance with those discussions, Acacia's counsel then circulated a revised, proposed stipulation for defendants consideration on June 16. We then heard nothing from any defendant on this issue until your call yesterday--three weeks later.

Since June 16, and the defendants' failure to timely and responsibly address the revised, proposed stipulation circulated for final comment, the Court has imposed its own schedule and our earlier efforts to stipulate to a schedule for all briefing have now been superceded and mooted. I explained during our phone conference yesterday that we understood the Court's June 21, 2005 Order to now control the schedule for the Motion for Reconsideration. The Order

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David J. Silbert  
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Page 2

invites "any party who wishes to file a Motion for Reconsideration of the Court's Markman Order issued on July 12, 2004 to do so in accordance with the schedule set forth below." The Court's schedule requires that we exchange the contentions required by Patent Local Rules 4-1 and 4-2 by July 29 and that we file the Joint Claim Construction Statement required by Patent Local Rule 4-3 by August 25. The Court further states that none of the dates set in the Order may be changed without an order of the Court made after a motion is duly filed. The Court did not request any briefing schedule from the parties in either its June 14 Minute Order or the June 21 Order.

We believe that the issues for the Court to decide can be fully addressed by the parties using the Court's schedule. With the exchange of contentions on July 29, we will be exchanging our respective proposed constructions and the identity of all of the intrinsic and extrinsic evidence, including expert testimony, that will be relied on to support such constructions. Expert depositions can occur in August. Then, on August 25, we will file the Joint Claim Construction Statement, which can include citations to the expert deposition transcripts and each party's contentions, including legal support, for their proposed constructions.

Due to the defendants' inaction, the parties cannot now comply with the schedule that you propose. We have been acting with the understanding that the Court's June 21 Order is controlling. We do not have a stipulation regarding the briefing schedule. We cannot prepare briefs by July 18, because, among other reasons, one of our experts is currently out of the country and would not be returning until after July 18.

You told me that none of the defendants had understood the Court's Order to be the briefing schedule for the Motion for Reconsideration. We believe the Court's June 21 order plainly states otherwise. You advised me that you would confer with counsel for the other defendants to discuss these issues and that you would get back to me.

I look forward to hearing from you soon.

Sincerely,



Alan P. Block

APB/sab

cc: All Counsel (See Attached Distribution List)

David J. Silbert  
July 7, 2005  
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July 7, 2005  
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David J. Silbert  
July 7, 2005  
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# Exhibit E

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Acacia Media Technologies Corporation,

NO. C 05-01114 JW

Plaintiff,

**ORDER FOLLOWING CASE  
MANAGEMENT CONFERENCE**

v.

New Destiny Internet Group, et al.,

Defendant(s).

And All Related and/or Consolidated Case Actions

The Court conducted a case management conference on June 14, 2005. Counsels for the Plaintiff and counsels for all Defendants were present. Defendants from the Central District and the Arizona District appeared telephonically.

As to pending motions, the parties stipulated to the following:

- 1) With respect to the "Adult Entertainment Cases", Plaintiff voluntarily withdraws its Motion for Certification of a Defendant Class Action.
- 2) With respect to the "Cable/Satellite Cases", Defendants Cable America Corporation, Cable One, Inc., and NPG Cable, Inc., voluntarily withdraw their Motions for More Definite Statement.
- 3) The Plaintiff and Defendants from the Northern District of Ohio and Minnesota stipulated to Defendants' Motion to Add Counterclaims.

4) Plaintiff's Motion for Clarification of the Role of Rainer Schulz was discussed. The Court has issued a separate Order proposing to amend the terms of appointment and allowing the parties a period of time to make any objections.

5) Plaintiff's Motion for Consolidation is deemed moot in light of the MDL order.

In light of the MDL order, the Court invites any party who wishes to file a Motion for Reconsideration of the Court's Markman Order issued on July 12, 2004 to do so in accordance with the schedule set forth below. In the motion, the party shall identify the terms for which reconsideration is sought and any additional terms in the 992 and 702 patents that should be defined. A hearing is set for **September 8 and 9, 2005, from 9 a.m. to 4 p.m.** Pursuant to the Local Patent Rules of Court, all parties shall:

- 1) No later than **July 29, 2005** serve on all other parties Proposed Terms and Claim Elements for Construction pursuant to Patent L.R. 4-1 and Preliminary Claim Constructions and Extrinsic Evidence pursuant to Patent L.R. 4-2.
- 2) No later than **August 25, 2005** file a Joint Claim Construction Statement and Prehearing Statement pursuant to Patent L.R. 4-3. The statement shall be presented in the following chart format:

Disputed Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
---------------	-----------------------------------	-----------------------------------

The parties shall express their proposed construction in a manner suitable for incorporation into a jury instruction.

For future case management conference, parties wishing to appear telephonically shall meet and confer and set up their own conference call in number. The parties shall notify the Courtroom Deputy Clerk, Mr. Ron Davis, three days prior to the date of conference.

None of the dates set in this Order may be changed without an order of the Court made after a motion is duly filed and made pursuant to the Local Rules of this Court.

Dated: June 21, 2005

/s/ James Ware  
JAMES WARE  
United States District Judge



United States District Court

For the Northern District of California

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: June 21, 2005

Richard W. Wieking, Clerk

By: /s/ JW Chambers  
Ronald L. Davis  
Courtroom Deputy

**PROOF OF SERVICE-UNITED STATES DISTRICT COURT**

STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES

}  
}

SS.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 601 South Figueroa Street, Suite 3300, Los Angeles, California 90017.

On **July 13, 2005**, I served the foregoing document described as **DECLARATION OF ALAN P. BLOCK IN SUPPORT OF PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION’S OPPOSITION TO DEFENDANTS’ “SO-CALLED” MOTION TO SET BRIEFING SCHEDULE FOR MOTION FOR RECONSIDERATION** by transmitting via United States District Court for the Central District of California Electronic Case Filing Program the document(s) listed above by uploading the electronic files for each of the above listed document(s) on this date, addressed as set forth on the **attached Service List**.

The above-described document was also transmitted to the parties indicated below, by Federal Express only.

Chambers of the Honorable James Ware  
Attn: Regarding Acacia Litigation  
280 South First Street  
San Jose, CA 95113  
**3 copies**

I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of this bar of this court at whose direction the service was made.

Executed on **July 13, 2005**, at Los Angeles, California.

---

Sylvia A. Berson

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